

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FIDELITY MANAGEMENT TRUST  
COMPANY, as Collateral Agent for Mellon  
Bank, N.A., as Trustee of Bell Atlantic  
Master Trust with Respect to Account C,  
Plaintiff,

v.

RICCARDO OLIVIERI, an individual,  
Defendant.

Civil Action No. 04-cv-11873-NMG

**ASSENTED TO MOTION FOR EXTENSION  
OF TIME TO RESPOND TO REMAND MOTION**

The Defendant moves that the time within which he must respond to "Fidelity Management Trust Company's Motion to Vacate Removal and for Remand Motion for Remand" (the "Remand Motion") be extended through the close of business on October 18, 2004. This motion has been assented to. In further support hereof the Defendant states:

1. This action was originally filed on July 15, 2004 in the Massachusetts Trial Court, and was removed to this Court on August 27, 2004.
2. On September 22, 2004, Plaintiff filed the Remand Motion, a response to which is due by October 7, 2004. The Remand Motion seeks to remand this case to the Massachusetts Trial Court.
3. The primary counsel assisting in the preparation of the Defendant's response is John Bustard, an attorney in Florida. He reports that he will be unavailable to assist the undersigned Boston counsel on this matter until October 11, due to the death of his grandmother.
4. The relief requested herein will not prejudice any party.

WHEREFORE DEFENDANT REQUESTS that the time within which he must file an answer or other responsive pleading to the Remand Motion be extended to and including October 18, 2004.

**RICCARDO OLIVIERI**  
By his attorneys,

/s/ Kenneth J. DeMoura  
Richard L. Levine (BBO#297040)  
Kenneth J. DeMoura (BBO#548910)  
ADLER POLLOCK & SHEEHAN  
175 Federal Street  
Boston, MA 02110  
(617) 603-0556 (Mr. Levine)  
(617) 482-0600 (Mr. DeMoura)  
(617) 482-0604 (fax)

ASSENTED TO:

/s/ Anthony M. Feeherry  
Anthony M. Feeherry, Esq.  
Counsel for Plaintiff

Dated: October 6, 2004

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